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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,948	09/19/2000	Rainer Barth	67190/993896	5237
26646	7590	01/20/2004	EXAMINER PARTON, KEVIN S	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			ART UNIT 2153	
			PAPER NUMBER	

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/664,948

Applicant(s)

BARTH, RAINER

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. All arguments are directed to newly added subject matter and are thus considered in the grounds of rejection stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime (USPN 6,591,296) in view of Sandelman et al. (USPN 6,147,601).
4. Regarding claim 1, Ghanime (USPN 6,591,296) teaches a system for control of devices comprising:

- a. A converter which associates predefined operating states on an individual basis to respective messages and/or alarms that, if one of the predefined operating states is present, the SMS message and/or and email about the one of the predefined operating states is sent to a predefined distribution group (column 3, lines 59-62; column 3, line 59 – column 4, line 5).
- b. Means to associate each of the predefined operating states with: i) an address to whom the SMS message and/or email message is to be sent and ii) information identifying particular information to be included in the SMS message and/or email message (column 4, lines 6-8, 20-34).

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- c. Wherein after one of the predefined operating states is detected, the respective message and/or alarm associated with the one of the predefined operating states is sent via the SMS message and/or email to the respective distribution group associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Sandelman et al. (USPN 6,147,601).

In an analogous art, Sandelman et al. (USPN 6,147,601) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message (column 3, lines 10-12; column 4, lines 47-50; column 6, lines 51-52).

Given the teaching of Sandelman et al. (USPN 6,147,601), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses

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with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the use of the table allows for fast and reliable updating without a significant amount of administrative work.

5. Regarding claim 4, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches an operating keyboard to effect the association by editing (column 5, lines 36-40).

6. Regarding claim 5, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein the converter is configured to initiate a bit poll, the bit poll for polling at least one system component for operation state information (column 3, lines 40-46).

7. Regarding claim 6, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein the SMS message and/or the email about the one of the predefined operating states is sent to the predefined address when one of the predefined operating states arises (column 3, line 59 – column 4, line 5).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the message is sent to a distribution group.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Sandelman et al. (USPN 6,147,601).

In an analogous art, Sandelman et al. (USPN 6,147,601) discloses a system for the remote monitoring of equipment and email notification of aberrations wherein the message is sent to a distribution group (column 3, lines 10-12; column 4, lines 47-50; column 6, lines 51-52).

Given the teaching of Sandelman et al. (USPN 6,147,601), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing multiple recipients in a distribution group. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution.

8. Regarding claim 7, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein each respective distribution group includes at least one person and/or distribution site (column 4, lines 2-5).

9. Regarding claims 9 and 11, Ghanime (USPN 6,591,296) teaches a system for monitoring comprising:

- a. A converter which associates predefined operating states on an individual basis to respective messages and/or alarms (column 3, lines 59-62; column 3, line 59 – column 4, line 5).
- b. Means to associate each of the predefined operating states with: i) an address to whom the SMS message and/or email message is to be sent and ii) information identifying particular information to be included in the SMS message and/or email message (column 4, lines 6-8, 20-34).
- c. A transmitter configured to send the message and/or alarm associated with the one of the predefined operating states after the one of the predefined operating states is detected, the message and/or alarm being sent via the SMS message

and/or email to the respective address associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Sandelman et al. (USPN 6,147,601).

In an analogous art, Sandelman et al. (USPN 6,147,601) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message (column 3, lines 10-12; column 4, lines 47-50; column 6, lines 51-52).

Given the teaching of Sandelman et al. (USPN 6,147,601), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the use of the table allows for fast and reliable updating without a significant amount of administrative work.

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10. Regarding claims 13 and 15, Ghanime (USPN 6,591,296) teaches a system for monitoring comprising:

- a. A converter which associates predefined operating states on an individual basis to respective messages and/or alarms (column 3, lines 59-62; column 3, line 59 – column 4, line 5).
- b. Means to associate each of the predefined operating states with an address to whom the SMS message and/or email message is to be sent (column 4, lines 6-8, 20-34). Note that the MDC is a distribution group.
- c. A transmitter configured to send the message and/or alarm associated with the one of the predefined operating states after the one of the predefined operating states is detected, the message and/or alarm being sent via the SMS message and/or email to the respective address associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Sandelman et al. (USPN 6,147,601).

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In an analogous art, Sandelman et al. (USPN 6,147,601) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message (column 3, lines 10-12; column 4, lines 47-50; column 6, lines 51-52).

Given the teaching of Sandelman et al. (USPN 6,147,601), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the use of the table allows for fast and reliable updating without a significant amount of administrative work.

11. Regarding claims 8, 10, 12, 14, and 16, although the system disclosed by Ghanime (USPN 6,591,296) (as applied to claims 1, 9, 11, 13, and 15) shows substantial features of the claimed invention, it fails to disclose means wherein the table associates at least two of the predefined operating states with a different respective distribution group.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Sandelman et al. (USPN 6,147,601).

In an analogous art, Sandelman et al. (USPN 6,147,601) discloses a system for remote monitoring of equipment wherein the table associates at least two of the predefined operating states with a different respective distribution group (column 4, lines 6-16, 47-50; column 6, lines 12-14).

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Given the teaching of Sandelman et al. (USPN 6,147,601), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of different distribution groups depending on the type of alarm or message. This benefits the system by allowing errors from different sensors to be sent to different locations that may have greater expertise in that specific fault.

12. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime (USPN 6,591,296) and Sandelman et al. (USPN 6,147,601) as applied to claim 1 above, and further in view of Kuwabara (USPN 6,065,136).

13. Regarding claim 2, although the system disclosed by Ghanime (USPN 6,591,296) and Sandelman et al. (USPN 6,147,601) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the email has a file attached to it.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296) and Sandelman et al. (USPN 6,147,601), as evidenced by Kuwabara (USPN 6,065,136).

In an analogous art, Kuwabara (USPN 6,065,136) discloses a system for email notification of alerts wherein the email has a file attached to it (column 5, lines 15-18, 20-23).

Given the teaching of Kuwabara (USPN 6,065,136), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) and Sandelman et al. (USPN 6,147,601) by employing the use of file attachments in the sending of data. This benefits the system by allowing for different data types and even programs to be sent along with the email alert.

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14. Regarding claim 3, although the system disclosed by Ghanime (USPN 6,591,296) and Sandelman et al. (USPN 6,147,601) (as applied to claim 2) shows substantial features of the claimed invention, it fails to disclose means wherein the file is a trace file, the trace file including an operating sequence preceding the message and/or alarms.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296) and Sandelman et al. (USPN 6,147,601), as evidenced by Kuwabara (USPN 6,065,136).

In an analogous art, Kuwabara (USPN 6,065,136) discloses a system for email notification of alerts wherein the file is a trace file, the trace file including an operating sequence preceding the message and/or alarms (column 4, lines 18-23; column 5, lines 15-18).

Given the teaching of Kuwabara (USPN 6,065,136), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) and Sandelman et al. (USPN 6,147,601) by employing the use of a trace file. This type of file benefits the system by allowing for historical tracking of the diagnostic data.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

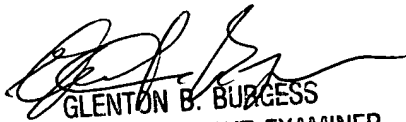
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
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